

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA**

In Re:

**MICHAEL DANIEL BAILEY,
a/k/a Mike Bailey, Jr.,
SSN/ITIN: xxx-xx-7351,**

Debtor.

Case No. 11-40439

Chapter 7

**UNITED STATES TRUSTEE'S
MOTION TO DISMISS**

The United States Trustee respectfully moves the Court, pursuant to 11 U.S.C. §§707(a)(1) and (3), 521(a)(1)(B) (iv), and 1007(b)(1)(E) and (c) for an Order dismissing the above-captioned Chapter 7 case for Debtor's failure to file his payment advices or other evidence of payments received within sixty (60) days prior to the filing of his case, as well as the failure of Debtor's counsel to file a Disclosure of Compensation pursuant to 11 U.S.C. §329(a) and Federal Rule of Bankruptcy Procedure 2016(b). In support of his Motion, the United States Trustee states and alleges that:

1. Debtor filed a petition for relief under Chapter 7 of Title 11 on June 2, 2011.
2. On June 16, 2011, Debtor moved the Court for an extension of time until June 23, 2011, within which to file his schedule of assets and liabilities, schedule of current income and current expenditures, statement of financial affairs, statement of intention, payment advices or other evidence of payments received within sixty (60) days prior to the filing of his case, and statement of current monthly income and means test calculation (B22A form).
3. On June 23, 2011, Debtor filed his schedule of assets and liabilities, schedule of current income and current expenditures, statement of financial affairs, statement of intention, statement of current monthly income and means test calculation (B22A form).
4. On June 24, 2011, an Order Extending Deadline was entered extending the deadline to June 23, 2011.

5. Debtor has not submitted any payment advices, nor has he filed a statement with the court stating that no payment advices are available.

6. Further, Debtor's counsel, Jonathan K. Van Patten, has not filed his Attorney Disclosure of Compensation pursuant to 11 U.S.C. §329(a) and Federal Rule of Bankruptcy Procedure 2016(b).

7. Pursuant to 11 U.S.C. 707(a)(3), the Court may dismiss a Chapter 7 case for failure to timely file such documents.

WHEREFORE, the United States Trustee respectfully urges the Court to enter its Order dismissing the above-captioned case for Debtor's failure to file his payment advices or other evidence of payments received within sixty (60) days prior to the filing of his case, and for the failure of Debtor's counsel to file an Attorney Disclosure of Compensation.

HABBO G. FOKKENA
UNITED STATES TRUSTEE
REGION 12

Dated: June 24, 2011.

By: /s/ BRUCE J. GERING
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